Chapter 21.49 – Wireless Telecommunications Facilities

Sections:

21.49.010 Purpose
21.49.020 Effect of Chapter
21.49.030 Definitions
21.49.040 Telecom Facility Preferences and Prohibited Locations
21.49.050 General Development and Design Standards
21.49.090 Modification and Collocation of Existing Telecom Facilities
21.49.120 Removal of Telecom Facilities

21.49.010 – Purpose

A. The purpose of this chapter is to provide for the installation, modification, operation and maintenance of wireless telecommunication facilities ("telecom facilities") on public and private property consistent with State and Federal law while ensuring public safety, minimizing the visual effects of telecom facilities on public streetscapes, protecting public views, and otherwise avoiding and mitigating the visual impacts of telecom facilities on the community.

B. Telecom facilities shall utilize the least obtrusive available technology in order to reduce or minimize the number of telecom facilities in the City and minimize their visual impact on the community.

C. The provisions of this chapter are not intended and shall not be interpreted to prohibit or to have the effect of prohibiting telecommunication services. This chapter shall be applied to providers, operators, and maintainers of telecommunication services regardless of whether authorized by or subject to State or Federal regulations. This chapter shall not be applied in such a manner as to unreasonably discriminate among providers of functionally equivalent telecommunication services.

21.49.020 – Effect of Chapter

A. **Regulatory Scope.** These regulations are applicable to all telecom facilities as defined herein and that provide wireless voice and/or data transmission such as, but not limited to, cell phone, Internet, and radio relay stations.

B. **Permit and Agreement Required.** Unless the provisions of this chapter provide otherwise, prior to installation or modification of any telecom facility in the City, the applicant shall obtain a coastal development permit.

C. **Exempt Facilities.** The following types of telecom facilities are exempt from the provisions of this chapter:

1. Amateur radio antennas and receiving satellite dish antennas, and citizen band radio antennas.

2. Dish and other antennas subject to the FCC Over-the-Air Reception Devices ("OTARD") rule, 47 C.F.R. Section 1.4000 that are designed and used to receive video programming signals from (a) direct broadcast satellite services, or (b) television broadcast stations, or (c) for wireless cable service.

3. During an emergency, the City Manager, Director of Emergency Services or Assistant Director of Emergency Services shall have the authority to approve the placement of a telecom facility in any district on a temporary basis not exceeding ninety (90) calendar days from the date of authorization. Such authorization may be extended by the City on a showing of good cause.

4. Facilities exempt from some or all of the provisions of this chapter by operation of State or Federal law to the extent so determined by the City.

5. Systems installed or operated at the direction of the City or its contractor.

6. Systems installed entirely within buildings for the sole purpose of providing wireless telecommunications or data transmission services to building occupants.

D. **Other Regulations.** Notwithstanding the provisions of this chapter, all telecom facilities within the City shall comply with the following requirements:

1. Rules, regulations, policies, or conditions in any permit, license, or agreement issued by any local, State or Federal agency which has jurisdiction over the telecom facility.

2. Rules, regulations and standards of the Federal Communications Commission (FCC) and the California Public Utilities Commission (CPUC).

E. Regulations Not in Conflict or Preempted. All telecom facilities within the City shall comply with the following requirements unless in conflict with or preempted by the provisions of this chapter:

1. All applicable City design guidelines and standards.

2. Requirements established by any other provision of this Implementation Plan and by any other ordinance and regulation of the City.

F. **Legal Nonconforming Facility.** Any telecom facility that was lawfully constructed, erected, or approved prior to February 27, 2014, that is operating in compliance with all applicable laws, and which facility does not conform to the requirements of this chapter shall be deemed a legal nonconforming facility. Legal nonconforming facilities shall comply at all times with the laws, ordinances, regulations, and any conditions of approval in effect at the time the facility was approved, and any regulations pertaining to legal, nonconforming uses or structures that may be applicable pursuant to provisions of this Implementation Plan or Federal and State laws as they may be amended or enacted, in the future.

21.49.030 Definitions.

For the purposes of this chapter, the following definitions shall apply:

A. **Antenna.** “Antenna” means a device used to transmit and/or receive radio or electromagnetic waves between earth and/or satellite-based systems, such as reflecting discs, panels, microwave dishes, whip antennas, antennas, arrays, or other similar devices.

B. **Antenna Array.** “Antenna array” means antennas having transmission and/or reception elements extending in more than one direction, and directional antennas mounted upon and rotated through a vertical mast or tower interconnecting the beam and antenna support structure, all of which elements are deemed to be part of the antenna.

C. **Base Station.** “Base station” means the electronic equipment and appurtenant support equipment at a telecom facility installed and operated by the telecom operator that together perform the initial signal transmission and signal control functions. A base station does not include the antennas, antenna support structure, or any portion of distributed antenna system (DAS).

D. **Collocation.** “Collocation” means an arrangement whereby multiple telecom facilities are installed on the same building or structure.

E. **Distributed Antenna System, DAS.** “Distributed antenna system (DAS)” means a network of one or more antennas and fiber optic nodes typically mounted to streetlight poles, or utility structures, which provide access and signal transfer services to one or more third-party wireless service providers. DAS also includes the equipment location, sometimes called a “hub” or “hotel” where the DAS network is interconnected with third-party wireless service providers to provide the signal transfer services.

F. **Facility Classes.** Classes of telecom facilities and the attendant support equipment are categorized into the following classes:

1. Class 1 (Stealth/Screened): a facility with antennas mounted on an existing or proposed nonresidential building or other structure not primarily intended to be an antenna support structure where antennas and support equipment, including the base station, are fully screened so that they are not visible to the general public.

2. Class 2 (Visible Antennas): a facility with antennas mounted on an existing nonresidential building, structure, pole, light standard, utility tower, wireless tower and/or lattice tower.

3. Class 3 (Public Right-of-Way Installations): a facility with antennas installed on a structure located in the public right-of-way.

4. Class 4 (Freestanding Structure): a facility with antennas mounted on a new freestanding structure constructed for the sole or primary purpose of supporting the telecom facility.

5. Class 5 (Temporary): a facility including associated support equipment that is installed at a site on a temporary basis pursuant to a limited term permit. A Class 5 installation may also be installed in connection with a special event upon the approval of a special events permit pursuant to Chapter 11.03 with or without a limited term permit.

G. **FCC.** “FCC” means the Federal Communications Commission, or the Federal regulatory agency charged with regulating interstate and international communications by radio, television, wire, satellite, and cable.

H. **Feasible or Feasibly.** “Feasible” or “feasibly” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account environmental, physical, legal and technological factors.

I. **Lattice Tower.** “Lattice tower” means a freestanding open framework structure used to support antennas, typically with three or four support legs of open metal crossbeams or crossbars.

J. **Monopole.** “Monopole” means a single free-standing pole or pole-based structure solely used to act as or support a telecom antenna or antenna arrays.

K. **Operator or Telecom Operator.** “Operator” or “telecom operator” means any person, firm, corporation, company, or other entity that directly or indirectly owns, leases, runs, manages, or otherwise controls a telecom facility or facilities within the City. The definition of operator or telecom operator does not include a property owner(s) that leases property to an operator for a telecom facility.

L. **Public Right-of-Way.** “Public right-of-way” (“PROW”) means the improved or unimproved surface of any public street, or similar public way of any nature, dedicated or improved for vehicular, bicycle, and/or pedestrian related use. PROW includes public streets, roads, lanes, alleys, sidewalks, medians, parkways and landscaped lots. The PROW does not include private streets.

M. **Stealth or Stealth Facility.** “Stealth” or “stealth facility” means a telecom facility in which the antenna, and the support equipment, are completely hidden from view such as in a monument, cupola, pole-based structure, or other concealing structure which either mimics, or which also serves as, a natural or architectural feature. Concealing structures which are obviously not such a natural or architectural feature to the average reasonable observer do not qualify within this definition. For example, an artificial tree may not be considered to be a stealth facility.

N. **Support Equipment.** “Support equipment” means the physical, electrical and/or electronic equipment included within a telecom facility used to house, power, and/or contribute to the processing of signals from or to the facility’s antenna or antennas, including but not limited to a base station, cabling, air conditioning units, equipment cabinets, pedestals, and electric service meters. Support equipment does not include DAS, antennas or the building or structure to which the antennas or other equipment are attached.

O. **Telecommunication(s) Facility, Telecom Facility, Telecom Facilities, Wireless Telecommunications Facility, or Facility.** “Telecommunication(s) facility,” “telecom facility,” “telecom facilities,” “wireless telecommunications facility,” or simply “facility” or “facilities” means an installation that sends and/or receives wireless radio frequency signals or electromagnetic waves, including but not limited to directional, omni-directional and parabolic antennas, structures or towers to support receiving and/or transmitting devices, supporting equipment and structures, and the land or structure on which they are all situated. The term does not include mobile transmitting devices, such as vehicle or hand held radios/telephones and their associated transmitting antennas.

P. **Utility Pole.** "Utility pole" means a single freestanding pole used to support services provided by a public or private utility provider.

Q. **Utility Tower.** "Utility tower" shall mean an open framework structure (see lattice tower) or steel pole used to support electric transmission facilities.

R. **Wireless Tower**. "Wireless tower" means any structure built for the sole or primary purpose of supporting antennas used to provide wireless services authorized by the FCC. A distributed antenna system (DAS) installed pursuant to a Certificate of Public Convenience and Necessity (CPCN) issued by the California Public Utilities Commission on a water tower, utility tower, street light, or other structures built or rebuilt or replaced primarily for a purpose other than supporting wireless services authorized by the FCC, including any structure installed pursuant to California Public Utility Code Section 7901, is not a wireless tower for purposes of this definition. For an example only, a prior-existing street light standard which is replaced with a new street light standard to permit the addition of antennas shall not be considered a wireless tower, but rather a replacement street light standard.

21.49.040 – Telecom Facility Preferences and Prohibited Locations

A. **Preferred Locations.** To limit the adverse visual effects of and proliferation of new or individual telecom facilities in the City, the following list establishes the order of preference of facilities, from the most preferred (1) to least preferred (4).

1. Collocation of a new facility at an existing facility.
2. Class 1.
3. Class 2 and Class 3.
4. Class 4.

B. **Prohibited Locations.** Telecom facilities are prohibited in the following locations:

1. On properties zoned for single-unit or two-unit residential development including equivalent designations within a planned community district or specific plan districts except if located on common area lots developed with community facilities, landscape lots, or private streets.
2. On properties zoned for multi-unit residential development and mixed-use development including equivalent planned community district or specific plan districts where the maximum allowable number of dwelling units is four units.
3. In the Open Space (OS) Coastal Zoning District, unless telecom facilities are collocated on an existing utility tower within a utility easement area, or collocated on an existing facility.
4. On traffic control standards (traffic signal poles).

21.49.050 – General Development and Design Standards

A. **General Criteria.** All telecom facilities shall employ design techniques to minimize visual impacts and provide appropriate screening to result in the least visually intrusive means of

providing the service. Such techniques shall be employed to make the installation, appearance and operations of the facility as visually inconspicuous as practicable. To the greatest extent feasible, facilities shall be designed to minimize the visual impact of the facility by means of location, placement, height, screening, landscaping, and shall be compatible with existing architectural elements, building materials, other building characteristics, and the surrounding area.

In addition to the other design standards of this section, the following criteria shall be considered by the review authority in connection with its processing of any coastal development permit for a telecom facility:

1. **Blending.** The extent to which the proposed telecom facility blends into the surrounding environment or is architecturally compatible and integrated into the structure.

2. **Screening.** The extent to which the proposed telecom facility is concealed or screened by existing or proposed new topography, vegetation, buildings or other structures.

3. **Size.** The total size of the proposed telecom facility, particularly in relation to surrounding and supporting structures.

4. **Location.** Proposed telecom facilities shall be located so as to utilize existing natural or manmade features in the vicinity of the facility, including topography, vegetation, buildings, or other structures to provide the greatest amount of visual screening and blending with the predominant visual backdrop.

5. **Collocation.** In evaluating whether the collocation of a telecom facility is feasible, the criteria listed in subsections (A)(1) through (4) of this section shall be used to evaluate the visual effect of the combined number of facilities at the proposed location.

B. **Public View Protection.** All new or modified telecom facilities, whether approved by administrative or discretionary review, shall comply with Section 21.30.100 (Public View Protection). Additionally, potential impacts from a new or modified telecom facility to public views that are not identified by the Coastal Land Use Plan shall be evaluated to determine if inclusion in the Coastal Land Use Plan would be appropriate. If deemed appropriate for inclusion, the potential impacts to such public views shall be considered.

C. **Height.**

1. The Planning Commission or City Council may approve or conditionally approve a coastal development permit for a telecom facility that exceeds the maximum height limit for the coastal zoning district in which the facility is located; provided, it does not exceed the maximum height limit by fifteen (15) feet, only after making all of the required findings in Section 21.49.060(H) (Required Findings for Telecom Facilities).

2. All telecom facilities shall comply with height restrictions or conditions, if any, required by the Federal Aviation Administration.

3. Telecom facilities installed on streetlights, utility poles, utility towers or other similar structures within the public right-of-way shall not exceed thirty-five (35) feet in height above the finished grade.

4. Telecom facilities may be installed on existing utility poles or utility towers that exceed thirty-five (35) feet above the finished grade where the purposes of the existing utility pole or utility tower is to carry electricity or provide other wireless data transmission; provided, that the top of the proposed antennas do not extend above the top of the utility pole or utility tower.

5. Telecom facilities disguised as flagpoles may be installed provided they meet applicable height limits for flagpoles provided in Section 21.30.060.

D. **Setbacks.** Proposed telecom facilities shall comply with the required setback established by the development standards for the coastal zoning district in which the facility is proposed to be located. Setbacks shall be measured from the part of the facility closest to the applicable lot line or structure.

E. **Design Techniques.** Design techniques shall result in the installation of a telecom facility that is in harmony and scale with the surrounding area, screens the installation from view, and prevents the facility from visually dominating the surrounding area. Design techniques may include the following:

1. Screening elements to disguise, or otherwise hide the telecom facility from view from surrounding uses.

2. Painting and/or coloring the telecom facility to blend into the predominant visual backdrop.

3. Siting the telecom facility to utilize existing features (such as buildings, topography, vegetation, etc.) to screen or hide the facility.

4. Utilizing simulated natural features (trees, rocks, etc.) to screen or hide the telecom facility.

5. Providing telecom facilities of a size that, as determined by the City, is not visually obtrusive such that any effort to screen the facility would create greater visual impacts than the facility itself.

6. To the greatest extent practicable, new Class 4 facilities shall be designed and sited to facilitate the collocation of one additional telecom operator.

F. **Screening Standards.** For collocation installations, the screening method shall be materially similar to those used on the existing telecom facility, and shall not diminish the screening of the facility. If determined necessary by the review authority, use of other improved and appropriate screening methods may be required to screen the antennas and support equipment from public view. The following is a non-exclusive list of potential design and screening techniques that must be considered for all facility installations:

1. **Class 1 (Stealth/Screened) Installations.**

a. All telecom facility components, including all antennas, antenna panels, cables, wires, conduit, mounting brackets, and support equipment, shall be

fully screened, and mounted either inside the building or structure, or behind screening elements and not on the exterior face of the building or structure.

b. Screening materials shall match in color, size, proportion, style, and quality with the exterior design and architectural character of the structure and the surrounding visual environment. If determined necessary by the reviewing authority, screening to avoid adverse impacts to views from land or buildings at higher elevations shall be required.

c. When a telecom facility is proposed within an existing or new architectural feature such as a steeple, religious symbol, tower, cupola, clock tower, sign tower, etc., the facility shall be architecturally compatible with the existing structure or building.

2. **Class 2 (Visible) Installations.**

a. Building or structure mounted antennas shall be painted or otherwise coated to match or complement the predominant color of the structure on which they are mounted and shall be compatible with the architectural texture and materials of the building to which the antennas are mounted. No cables, wires, conduit, mounting brackets or any other associated support equipment shall be visible.

b. All antenna components and support equipment shall be treated with exterior coatings of a color and texture to match the predominant visual background and/or adjacent architecture so as to visually blend in with the surrounding development. Subdued colors and nonreflective materials that blend with surrounding materials and colors shall be used.

3. **For Class 3 (Public Right-of-Way) Installations.**

a. Whenever feasible, new antennas proposed to be installed in the public right-of-way shall be placed on existing utility structures, streetlights, or other existing vertical structures. Antenna installations on existing or replacement streetlight poles or utility poles shall be screened by means of canisters, radomes, shrouds other screening measures whenever feasible, and treated with exterior coatings of a color and texture to match the existing pole.

b. New or replacement vertical structures may be allowed when authorized by the Municipal Code and approved by the Public Works Department. Replacement poles or streetlights shall be consistent with the size, shape, style, and design of the existing pole, including any attached light arms. New poles or streetlights may be installed, provided they match existing or planned poles within the area.

c. If antennas are proposed to be installed without screening, they shall be flush-mounted to the pole and shall be treated with exterior coatings of a color and texture to match the pole.

4. **Class 4 (Freestanding Structure) Installations.**

a. The installation of new lattice towers or monopoles with visible antennas or antenna arrays is strongly discouraged due to the visual effects of such facilities. Preferred monopole designs include fully screened antennas without visible brackets, cables, or conduit. Additionally, any lattice tower or monopole should be sited in the least obtrusive location as practicable.

b. The construction of new freestanding structures such as signs, monoliths, pyramids, light houses, or other similar vertical structures shall be designed and sited to appropriately complement a site and screen all elements of the telecom facility.

c. The installation of artificial rocks shall match in scale and color with other rock outcroppings in the general vicinity of the proposed site. An artificial rock screen may not be considered appropriate in areas that do not have natural rock outcroppings.

d. The installation of artificial trees or shrubbery is strongly discouraged if they are obviously not natural to the average reasonable observer. When an artificial tree or shrubbery is proposed, it shall be designed for and located in a setting that is compatible with the proposed screening method. Such installations shall be situated so as to utilize existing natural or manmade features including topography, vegetation, buildings, or other structures to provide the greatest amount of visual screening. All antennas and antenna supports shall be contained within the canopy of the tree design or other vegetation comparable to that being replicated by the proposed screening elements. Finally, the addition of new comparable living vegetation may be necessary to enhance the artificial tree or shrubbery screening elements.

e. Flagpoles shall not exceed twenty-four (24) inches in width at the base of the flagpole and also shall not exceed twenty (20) inches in width at the top of the flagpole.

5. **Class 5 (Temporary) Installations.** A temporary telecom facility installation may require screening to reduce visual impacts depending on the duration of the permit and the setting of the proposed site. If screening methods are determined to be necessary by the review authority, the appropriate screening methods will be determined through the application review and permitting process in consideration of the temporary nature of the facility.

6. **Support Equipment.** All support equipment associated with the operation of any telecom facility shall be placed or mounted in the least visually obtrusive location practicable, and shall be screened from view.

   a. **Installations on Private Property.** The following is a non-exclusive list of potential screening techniques for telecom facilities located on private property:

      i. **Building-Mounted Telecom Facilities.** For building- or structure-mounted antenna installations, support equipment for the facility may be located inside the building, in an underground vault, or on the roof of the building that the facility is located on; provided, that both the equipment and any screening materials are

architecturally compatible and/or painted the color of the building, roof, and/or surroundings thereby providing screening.

ii. **Roof-Mounted Telecom Facilities.** All screening materials for roof-mounted facilities shall be of a quality and design compatible with the architecture, color, texture and materials of the building to which it is mounted. If determined necessary by the review authority, screening to avoid adverse impacts to views from land or buildings at higher elevations shall be required.

iii. **Freestanding Telecom Facilities.** For freestanding facilities installations, not mounted on a building or structure, support equipment for the facility may be visually screened by locating the support equipment in a fully enclosed building, in an underground vault, or in a security enclosure consisting of walls and/or landscaping to effectively screen the support equipment at the time of installation.

iv. All wall and landscaping materials shall be selected so that the resulting screening will be visually integrated with the architecture and landscape architecture of the surroundings.

v. Screening enclosures may utilize graffiti-resistant and climb-resistant vinyl-clad chain link with a "closed-mesh" design (i.e., one-inch gaps) or may consist of an alternate enclosure design approved by the review authority. In general, the screening enclosure shall be made of nonreflective material and painted to blend with surrounding materials and colors.

vi. If placed in an underground vault, flush-to-grade vents, or alternatively, vents that extend no more than twenty-four (24) inches above the finished grade and are screened from public view may be utilized.

b. **Installations in a Public Right-of-Way.** The following is a non-exclusive list of potential screening techniques for telecom facilities located in a public right-of-way:

i. Where existing utilities services (e.g., telephone, power, cable TV) are located underground, the support equipment shall be placed underground if required by other provisions of the Municipal Code. Flush-to-grade underground vault enclosures, including flush-to-grade vents, or vents that extend no more than twenty-four (24) inches above the finished grade and are screened from public view may be incorporated. Electrical meters required for the purpose of providing power for the proposed telecom facility may be installed above ground on a pedestal in a public right-of-way provided they meet applicable standards of Title 13 unless otherwise precluded by the Municipal Code.

ii. Support equipment approved to be located above ground in a public right-of-way shall be painted or otherwise coated to be

visually compatible with the existing or replacement pole, lighting and/or traffic signal equipment without substantially increasing the width of the structure.

iii. All transmission or amplification equipment such as remote radio units, tower mounted amplifiers, and surge suppressors shall be mounted inside the utility or streetlight pole without materially increasing the pole diameter or shall be installed in the vault enclosure supporting the facility.

G. **Night Lighting.** Telecom facilities shall not be lighted except for security lighting at the lowest intensity necessary for that purpose or as may be recommended by the United States Flag Code (4 U.S.C. Section 1 et seq.). Such lighting shall be shielded so that direct illumination does not directly shine on nearby properties. The review authority shall consult with the Police Department regarding proposed security lighting for facilities on a case-by-case basis.

H. **Signs and Advertising.** No advertising signage or identifying logos shall be displayed on any telecom facility except for small identification, address, warning, and similar information plates. Such information plates shall be identified in the telecom application and shall be subject to approval by the review authority. Signage required by State or Federal regulations shall be allowed in its smallest permissible size.

I. **Nonconformities.** A proposed or modified telecom facility shall not create any new or increased nonconformity as defined in this Implementation Plan, such as, but not limited to, a reduction in and/or elimination of, required parking, landscaping, or loading zones unless relief is sought pursuant to applicable zoning code procedures.

J. **Maintenance.** The telecom operator shall be responsible for maintenance of the telecom facility in a manner consistent with the original approval of the facility, including but not limited to the following:

1. Any missing, discolored, or damaged screening shall be restored to its original permitted condition.

2. All graffiti on any components of the telecom facility shall be removed promptly in accordance with the Municipal Code.

3. All landscaping required for the telecom facility shall be maintained in a healthy condition at all times, and shall be promptly replaced if dead, dying, or damaged.

4. All telecom facilities shall be kept clean and free of litter.

5. All equipment cabinets shall display a legible contact number for reporting maintenance problems to the telecom operator.

6. If a flagpole is used for a telecom facility, flags shall be flown and shall be properly maintained at all times. The use of the United States flag shall comply with the provisions of the U.S. Flag Code (4 U.S.C. Section 1 et seq.).

20.49.090 – Modification and Collocation of Existing Telecom Facilities

Notwithstanding any provision in this chapter, a request to modify an existing facility that involves the collocation of new transmission equipment, the removal of existing transmission equipment, or the replacement of existing transmission equipment shall be subject to administrative review and approval without processing any discretionary permit provided that such modification does not substantially change the existing facility from the original permit for the facility. A substantial change means a single change, or series of changes over time, that exceeds five percent of the physical dimensions of the original approved telecom facility, or as otherwise defined by applicable provisions of State or Federal law.

Each application submitted under this section for a modification or collocation to an existing telecom facility shall be accompanied by:

A. A detailed description of the proposed modifications to the existing telecom facility(ies);

B. A photograph or description of the telecom facility as originally constructed, if available; a current photograph of the existing facility; and, a graphic depiction of the facility after modification showing all relevant dimensions;

C. A detailed description of all construction that will be performed in connection with the proposed modification; and

D. A written statement signed and stamped by a professional engineer, licensed and qualified in California, attesting that the proposed modifications do not constitute a substantial change of the existing permitted facility.

Any permit issued will be conditioned upon the accuracy of the application, and may be revoked, and the telecom facility shall be removed and restored to its pre-modification condition if any material statement made with respect to the facility application is false or the modifications as actually made would have required a discretionary review had the plan for the facility accurately depicted the modifications.

20.49.120 – Removal of Telecom Facilities

A. **Discontinued Use.** Any telecom operator who intends to abandon or discontinue use of a telecom facility must notify the Director by certified mail no less than thirty (30) days prior to such abandonment or discontinuance of use. The telecom operator or owner of the affected real property shall have ninety (90) days from the date of abandonment or discontinuance, or a reasonable additional time as may be approved by the Director, within which to complete one of the following actions:

   1. Reactivate use of the telecom facility.

   2. Transfer the rights to use the telecom facility to another telecom operator and the telecom operator commences use within a reasonable period of time as determined by the Director.

   3. Remove the telecom facility and restore the site.

B. **Abandonment.** Any telecom facility that is not operated for transmission and/or reception for a continuous period of ninety (90) days or whose telecom operator did not remove the facility in accordance with subsection (A) of this section shall be deemed abandoned.

Upon a finding of abandonment, the City shall provide notice to the telecom operator last known to use such facility and, if applicable, the owner of the affected real property, providing thirty (30) days from the date of the abandonment notice within which to complete one of the following actions:

1. Reactivate use of the telecom facility.

2. Transfer the rights to use the telecom facility to another telecom operator who has agreed to reactivate the facility within thirty (30) days of the transfer.

3. Remove the telecom facility and restore the site.

C. **Removal by City**.

1. The City may remove an abandoned telecom facility, repair any and all damage to the premises caused by such removal, and otherwise restore the premises as is appropriate to be in compliance with applicable codes at any time after thirty (30) days following the notice of abandonment.

2. If the City removes an abandoned telecom facility, the City may, but shall not be required to, store the removed facility or any part thereof. The owner of the premises upon which the abandoned facility was located and all prior operators of the facility shall be jointly liable for the entire cost of such removal, repair, restoration and storage, and shall remit payment to the City promptly after demand therefor is made. In addition, the City Council, at its option, may utilize any financial security required in conjunction with granting the telecom permit as reimbursement for such costs. Also, in lieu of storing the removed facility, the City may convert it to the City's use, sell it, or dispose of it in any manner deemed by the City to be appropriate.

D. **City Lien on Property.** Until the cost of removal, repair, restoration, and storage is paid in full, a lien shall be placed on the abandoned personal property and any real property on which the telecom facility was located for the full amount of all costs incurred by the City for the removal, repair, restoration and storage. The City Clerk shall cause the lien to be recorded with the Orange County Recorder, with the costs of filing, processing, and release of such City lien being added to the other costs listed in this subsection.